

Quid Novi

VOL. V NO. 15

McGILL UNIVERSITY FACULTY OF LAW
FACULTE DE DROIT UNIVERSITE MCGILL

January 23, 1985
23 janvier, 1985

Commission canadienne des droits de l'homme

par Christine Caouette

Le 16 janvier dernier, dans le cadre des conférences organisées par le Forum National, M. Gordon Fairweather est venu nous parler de la Commission Canadienne des Droits de l'Homme. Devant une salle malheureusement trop peu nombreuse, M. Fairweather a brièvement expliqué le travail de la Commission. Fondée en 1977, celle-ci a pour but de régler les conflits et répondre aux questions ayant trait, comme son nom l'indique, aux droits de l'homme.

La Commission étant de juridiction fédérale, elle ne touche que 12.5% de la population qui travaille au Canada. Au dire de M. Fairweather, sur 300 plaintes présentées à la Commission en 1984, 65% étaient justifiées. Et devant le tribunal, la moitié de ces cas ont été jugés en faveur du plaignant.

Décrivant la Commission comme une "agence anti-discrimination", M. Fairweather a fait une liste des plaintes reçues. En majeure partie, celles-ci ont trait aux incapacités physiques, mais de nombreux cas sont reliés au sexe ou au statut marital. Quelques plaintes ont rapport à la race, la couleur et l'origine ethnique. La Commission s'attend à recevoir beaucoup de demandes concernant la sec-

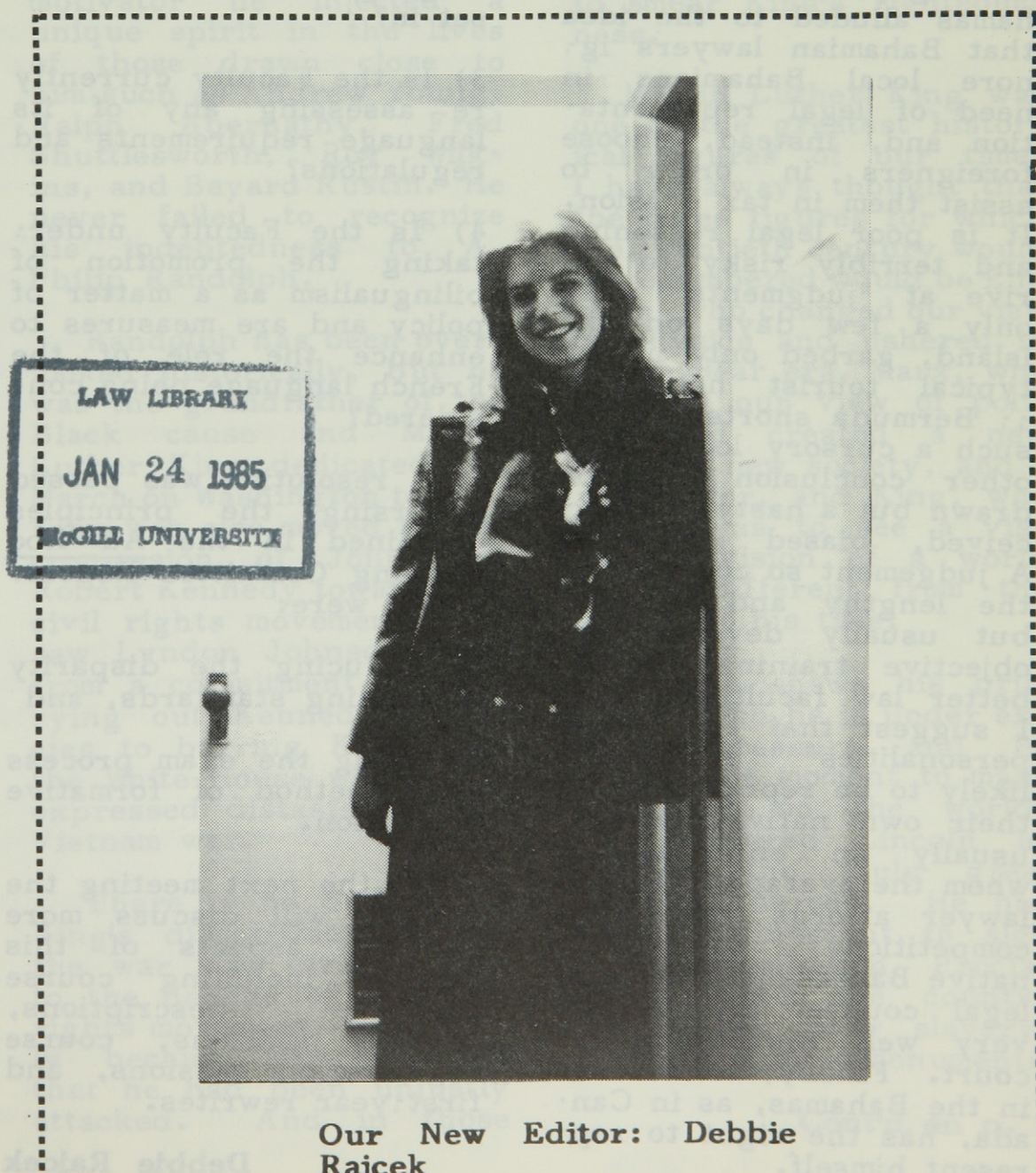
tion 15 de la Charte dès son entrée en vigueur, c'est-à-dire en avril de cette année.

M. Fairweather a dit appuyer le rapport de la Commission d'Enquête dans L'Emploi, rapport paru en novembre dernier. Le juge Rosalie Abella y a fait des recommandations, dit-il,

que la Commission prône depuis longtemps. Il est cependant hésitant à l'idée d'ajouter d'autres fonctions à la Commission.

Né au Nouveau-Brunswick, diplômé en droit de l'Université du Nouveau-Brunswick, M. Fairweather

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Our New Editor: Debbie Raicek

Commission
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à été élu pour la première fois en 1952 à la législature de sa province natale. Il y a siégé comme député pendant vingt ans et y a été procureur général durant deux ans. M. Fairweather a aussi été député conservateur à Ottawa pour finalement être nommé, en 1977, à la tête de la Commission Canadienne des Droits de l'Homme.

Response to Freeport

by Vonnie Gilmore

Mr. Butt's article concerning justice in the Bahamas alluded to the idea that Bahamian lawyers ignore local Bahamians in need of legal representation and, instead, choose foreigners in order to assist them in tax evasion. It is poor legal reasoning and terribly risky to arrive at "judgments" after only a few days on the island, garbed only in the typical tourist habiliment of Bermuda shorts. After such a cursory look, what other conclusion can be drawn but a hasty, ill-conceived, biased judgment. A judgement so contrary to the lengthy and tedious, but usually devoted and objective training at the better law faculties? May I suggest that these "tax personalities" are most likely to be represented by their own native lawyers, usually an elite against whom the average Bahamian lawyer affords very little competition. In effect, native Bahamians in need of legal counsel are usually very well represented in court. Finally, an accused in the Bahamas, as in Canada, has the right to represent himself.

FACULTY COUNCIL

At Faculty Council this week the question of language policy was tabled by L.S.A. President Richard Janda, as a result of the recent controversy surrounding Special Contracts. Janda's questions were:

- 1) What criteria do the Faculty employ in order to determine, for the purposes of examination, the language on instruction of a course?
- 2) If a course is taught in English and in French, what language should the exam be set in?
- 3) Is the Faculty currently re assessing any of its language requirements and regulations?
- 4) Is the Faculty undertaking the promotion of bilingualism as a matter of policy and are measures to enhance the role of the French language being considered?

A resolution was passed endorsing the principles contained in the Ad Hoc Marking Committee Report. These were:

- 1) Reducing the disparity of grading standards, and
- 2) Using the exam process as a method of formative evaluation.

At the next meeting the Faculty will discuss more concrete aspects of this report, including course objective descriptions, problem sessions, course organization sessions, and first-year rewrites.

Debbie Raicek

COMPUTERS

Tutorials in the use of QL Computer Search will be available to students on a first come first served basis on the following times and days:

Thursday, 24th January,
4:00 p.m.

Tuesday, 29th January,
10:00 a.m. and 4:00 p.m.

Thursday, 31st January,
4:00 p.m.

The tutorial lasts approximately 45 minutes and will be limited to ten students each session. Interested students may sign up in the library at the Circulation desk. Other tutorials will be scheduled throughout the term in the coming months and notices of these schedules will appear in Quid Novi.

The Library also has three Apple Macintosh computers for the use of students. Anyone interested in using these computers for preparation of papers, etc., or who simply wants to learn to use them can see the reference librarian, Louisa Piatti, and make an appointment.

BANQUET

Preparations for this year's gala banquet soirée are well underway. This extravaganza of the season will be taking place in March. A sit-down dinner, music and plenty of drink are but a few of the elements composing this classy evening. Law students from all years at McGill are invited to celebrate together.

We look forward to seeing you there. Keep your eyes and ears open for further information.

Let the Trumpet Sound

by Demetrios G. Xistris

Let the Trumpet Sound: The Life of Martin Luther King by Stephen B. Oates (1982) is an incisive and searing portrait of the hatred that Martin Luther King dedicated his life to overcome. Oates captures the tension and drama of King's struggle without ever over-sensationalizing. King's speeches are impeccably chronicled and their settlements well crafted. King dreamed of brotherhood. He dreamed of compassion. Most of all, he dreamed of an America which would finally honour the freedoms enshrined in the Bill of Rights and the Emancipation Proclamation.

Most know that King was the foremost civil rights activist, that he opposed segregation, that he succeeded in destroying the illegitimate oppression of Blacks in the South and in the northern cities, and that, like Ghandi, he fought the establishment using non-violent tactics. King would demonstrate using his moral authority and persuasiveness to force governments to change their policies. He singlehandedly caused the passing of the 1964 Civil Rights Act and the 1965 Voting Rights Act, two key laws which broke the power base of the southern segregationists. Said King,

"It may be true that you cannot legislate integration but you can legislate desegregation. It may be true that you cannot legislate morality, but behavior can be regulated. It may be true that the law cannot make a man love me, but it

can restrain him from lynching me."

King's movement created the SCLC and the SNCC, which were among the most powerful social forces in America from 1956 to 1968. It was a movement which was personified by Martin Luther King himself.

King was intellectually brilliant with a unique sense of history. He feared the America he saw; the hatred, the poverty, and the war. As an orator he was able to raise the aspirations of people from all backgrounds. As a motivator he injected a unique spirit in the lives of those drawn close to him such as Andrew Young, Ralph Abernathy, Fred Shuttlesworth, Roy Wilkins, and Bayard Rustin. He never failed to recognize his indebtedness to A. Philip Randolph.

Randolph has been overlooked historically, but he was the grandfather of the Black cause and Martin Luther King dedicated the March on Washington to him. King was also moved by the compassion of John and Robert Kennedy towards the civil rights movement. He saw Lyndon Johnson move from a commitment to carrying out Kennedy's policies to barring King from the White House when King expressed distaste for the Vietnam war.

There is no doubt that King's dissatisfaction over the war was directly tied to the decline of the civil rights movement, principally because Johnson felt that he had been unjustly attacked. And in those

days only two people were immune from attack in Washington: Johnson and Hoover.

Hoover got the dirt. He tried to expose the communists in the civil rights movement (principally Rustin) and revelled in the tapes he had of King's sexual exploits. According to the author, King was a uniquely moral man except for this one vice. Yet this was a well-known fact to those close to him and it caused him the greatest torment. But it in no way detracted from his moral authority. However hard Hoover tried, he was unable to smear King's righteousness.

Martin Luther King was one of the greatest historical figures of our time. I have always thought that the three figures for which the twentieth century would be remembered would be Einstein, who changed our view of physics and ushered in the nuclear era, Marx, who changed our view of politics and created a new class, a new society, and a new power, and King, who enabled us to see a vision, a vision of a world totally different from the reality of his time.

A man shows his brilliance when he is under extreme pressure and he grasps the moment to make his mark on the world. King admired Lincoln as one of the truly great American heroes. He had had the foresight to sign the Emancipation Proclamation while the country was at war over slavery. He had written a monumental

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EDITORIAL: Bilingualism

The controversy concerning the language of instruction and examination for the Special Contracts course is unresolved as this goes to press is at once indicative and timely.

The fact that the outcry arose over Prof. Jobin's intention to set his portion of the exam only in French is in accordance with Faculty Regulations which underlines basic inequities with regard to the status of the French language in the faculty. There have been several examples of patent disadvantages to French-speaking students: long, complicated fact patterns, even one 23-page Supreme Court judgment, where even with their generally stronger second language competence, these students must surely have been handicapped in comparison with their anglophone classmates.

This may be attributable to francophones' acquiescence to "le fait anglais" or the implicit hopelessness of obtaining administrative redress in such cases, since no significant reaction to language constraints has arisen until a problem arose for the majority.

No doubt it will be contended that there is nothing inherently wrong with this situation. McGill is the only English-language law school in Quebec and francophones attend the Faculty fully aware of this situation, if not with the intent to improve their English so the argument goes.

Of course, there is a great deal of truth to this point of view and therein lies not only the problem but our chance to do something about it. In this respect the "Special K situation" brings the reality behind any "vœux pieux" perceptions of how the language question operates into sharp relief and we should take advantage of that situation to consider the following:

- 1) In what is purported to be a "National Program", an objective should be to provide students with a tool which is vital to practice in both jurisdictions: linguistic competence.
- 2) Such an objective is not met merely by reference to language requirements in the Faculty Calendar nor by the offering of a few French language optional courses.
- 3) All students, including those who possess threshold language requirements, should be encouraged to optimize their second-language abilities.
- 4) This implies that measures should be taken both to assist students in improving their second language and to relieve any prejudice they may experience during this process.

Our record is unenviable on all counts.

As anglophone students, many of us have not recognized

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Editorial**Cont'd from p. 4**

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that while we have a right to English language instruction in proportion to our "presence", we also have a responsibility as future civilian, "natural" or even common law lawyers to fully participate within the linguistic milieu of the jurisdiction to which we have been exposed.

Francophone students have been less than forthright in advocating improvements in the role of French and in assuring that their language problems are recognized and addressed.

The Faculty as a whole has done little to underscore the objective of bilingualism in the legal context and even less in aiding students to attain that objective.

Dean Macdonald announced at the last Faculty Council meeting that he would appoint an ad hoc committee to deal with the role of language at McGill.

Let's take the opportunity to contribute to that committee's work. Language training, expanded instruction in French, examination policy and even extra-curricular activities are among the subjects about which we should be prepared to give suggestions.

The present alternatives, be they bilingual examinations in specific courses or "add/drop" opportunities, are no substitute for a considered response to such an important issue.

Todd Sloan**Let the Trumpet Sound**
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speech on the back of an envelope as he travelled to Gettysburg in an attempt to repair and reconcile the pains of a country deeply divided. King, in his moment of glory in August of 1963, abandoned his prepared text in the presence of the Great Emancipator. Before 250,000 people he chose to speak from his heart:

"I say to you today, my friends, that in spite of the difficulties and frustrations of the moment I still have a dream. It is a dream deeply rooted in the American dream. I have a dream that one day this nation will rise up and live out the true meaning of its creed: "We hold these truths to be self-evident that all men are

created equal." I have a dream that one day on the red hills of Georgia the sons of former slaves and the sons of former slaveowners will be able to sit down together at the table of brotherhood. I have a dream that even one day the state of Mississippi, a desert state sweltering with the heat of injustice and oppression, will be transformed into an oasis of freedom and justice. I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character.

Later on he continued:

"This will be the day when all of God's children will be able to sing with new meaning "My country 'tis of thee, sweet land of

liberty, of thee I sing. Land where my fathers died, land of the pilgrim's pride, from every mountain-side let freedom ring." And if America is to be a great nation this must become true. So let freedom ring from the prodigious hilltops of New Hampshire. Let freedom ring from the mighty mountains of New York. Let freedom ring from the heightening Alleghenies of Pennsylvania But not only that; let freedom ring from Stone Mountain of Georgia. Let freedom ring from Lookout Mountain of Tennessee. Let freedom ring from every hill and mole hill of Mississippi. From every mountaintop, let freedom ring."

Later that day at the White House reception President Kennedy who was ecstatic with the success of the event, ordered a White House lunch when he learned that the Blacks had not yet eaten. Upon shaking King's hand, the President said "I have a dream".

If King were alive today, he would see that his efforts have paved the way for Black mayors in all major US cities except in New York where Crazy Eddie has still managed to polarize the minority communities on a consistent basis.

Martin Luther King is among the most compelling political figures of our time. To disobey an immoral law was God's will, said King. To obey an unjust law was against His will. Trained as a philosopher and a religious leader, King left a legacy which history shows was rooted in his belief that one man could make a difference. He spoke with such cadence, such song. It has since only been

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emulated by Rev. Jesse Jackson. If one were to summarize King's life one would have to read from a sermon he gave at Ebenezer Baptist Church in Atlanta, the birthplace of the civil rights movement and where King and his father, Dr. King Sr., were reverends. Here King, sensing his destiny, said on February 4, 1968:

"Every now and then when I think about my own death, and I think about my own funeral...I don't want a long funeral. And if you get somebody to deliver the eulogy, tell them not to talk too long. ..Tell them not to mention that I have a Nobel Peace Prize. ... Tell them not to mention that I have three or four hundred awards... I'd like somebody to mention that day, that Martin Luther King, Jr., tried to give his life serving others. I'd like for somebody to say that day that Martin Luther King, Jr., tried to love somebody...

Say that I was a drum major for justice. Say that I was a drum major for peace. That I was a drum major for righteousness. And all of the other shallow things will not matter. I won't have any money to leave behind. I won't have the fine and luxurious things of life to leave behind. But I just want to leave a committed life behind."

Two months later to that day he was killed by the hatred he had exposed and fought against all his life. On his grave is inscribed for all at Ebenezer to see:

Free At Last
Thank God Almighty
I'm Free At Last

FINANCES

The following is a statement of receipts and disbursements for the period from September 30, 1984 to December 31, 1984. Also included is a summary of the financial situation of the LSA as of December 31, 1984. If there are any questions with regard to those statements, please do not hesitate to contact me. I would also encourage all organizations or groups who were allocated funds from the L.S.A., and who wish to receive their second installment, to submit receipts of expenses incurred during the previous term. I would also remind students that it is probable there will be a certain amount of money remaining

in the discretionary fund. We encourage students to submit ideas for ways in which this amount can best be spent.

Sont inclus dans ce numéro un relevé des revenus et déboursés pour la période se terminant le 31 décembre, 1984 de même qu'un sommaire des actifs de l'AED au 31 décembre, 1984. Si vous avez des questions concernant ces documents, n'hésitez pas à me contacter. Je voudrais également encourager les associations ou groupes qui ont reçu des fonds de

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Statement of Receipts and Disbursements Period ending December 31, 1984

Receipts:

Student fees	3,851.25
Cafeteria fees	3,250.00
Interest	384.24
Social Income	1,169.33
	<u>8,654.82</u>

Disbursements:

Administrative Expenses:

Office Supplies	31.36
Telephone	314.30
Miscellaneous	<u>114.25</u>
	459.91

Social Expenses	1,655.79
Quid Novi	1,200.00
Class Fund	175.00
Community Affairs	505.00
Library Gift	42.70
Law/Seminar Series	75.00
Forum National	382.00
Directory	30.00
Sports/Committee	400.00
Membership Fees	176.75
Censorwatch	159.00
	<u>5,261.15</u>

Total of Receipts over Disbursements 3,393.67

Present Assets of the L.S.A. as per December 30, 1984:

Bank chequing account balance	2,298.13
Bank savings account balance	2,865.21
Term Deposits	13,000.00
Beer inventory (approximation)	180.00
	<u>18,343.34</u>

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PLACEMENT CENTER

L'AED, et qui désirent recevoir le deuxième versement, à soumettre des reçus pour leurs dépenses du premier semestre. J'amerais également vous rappeler qu'il restera probablement un certain montant d'argent dans le fonds discrétionnaire de l'AED et nous invitons les étudiants à soumettre leurs suggestions sur le meilleur moyen d'investir ces fonds.

**Thank you :: Merci,
Yves Ménard
Treasurer :: Trésorier**

The Federal Court of Canada is recruiting law clerks to serve with the Justices of the Court for the year 1985/86. Interested candidates should forward before January 31, 1985:

- 1) a curriculum vitae;
- 2) official transcripts of marks obtained in post-secondary studies (transcripts of all post-secondary education (including law school) must be received at the Court before application will be considered);

- 3) a list of three (3) persons who will forward references.

All material should be sent to:

Mr. Robert Biljan
Administrator of the Court
Federal Court of Canada
Annex Building
Kent & Wellington Streets
Ottawa, Ontario
K1A 0H9

Note: Interested candidates are urged to apply as soon as possible. Applications are circulated to the Justices upon receipt, and consideration and hiring of law clerks can take place at any time.

Copies of the notice are posted in the Placement Centre.

Toronto

The legal department of the Royal Bank of Canada requires an articling clerk. C.V.'s should be addressed to:

E.M.R. Skutezky
c/o Law Department
Royal Bank of Canada
27th Floor
South Tower
Royal Bank Plaza
Toronto, Ontario
M5J 2J5

An announcement to this effect will be posted in the Placement Centre as soon as it is received from the Royal Bank.

Information regarding postings, graduate work, employment may be obtained through Mr. André Lemieux or Mrs. Higgins in the Admissions Office.

Relevé des Revenues et déboursés pour la période se terminant le 31 décembre, 1984

Revenues:

Frais de scolarité	3851.25
Revenue de location de la cafeteria	3250.00
Interêt	384.24
Revenues des activités sociales	1,169.33
	<u>8,654.82</u>

Déboursés:

Frais administratifs:

Fournitures de bureau	31.36
Location de telephone	314.30
Frais divers	<u>114.25</u>
	459.91

Dépenses pour activités sociales

Quid Novi	1,655.79
Fonds pour classes	1,200.00
Comité des affaires communautaires	175.00
Don a la bibliothèque	505.00
Law/Seminar Series	42.70
Forum National	75.00
Bottin téléphonique	382.00
Comité des Sports	30.00
Fraisrship Fees	400.00
Censorwatch	176.75
	<u>159.00</u>
	5,261.15

Surplus Revnus/déboursés

3,393.67

Actifs de l'A.E.D. au 31 décembre, 1984:

Compte de cheque	2,298.13
Compte d'épargne	2,865.21
Dépôts a Terme	13,000.00
Inventaire :: bière	180.00
	<u>18,343.34</u>

A True Story: Really!

Debbie Raicek
Pearl Eliadis

While burning the midnight oil at the Quid Novi office, this fearless editorial staff noted the presence of two highly suspicious characters (flaky looking individuals) abusing the pay phones of Chancellor Day Hall. Francine Ducros, our fearless anonymous investigative reporter was quoted as saying "uranium", or perhaps "plutonium". With the tension pitch no less than that of a Robert Ludlum novel our fearless group set up a surveillance team to observe these strange little persons with headphones. Was it the KGB, Khadaffi or merely some enterprising students tapping the phones to find out the latest "news"?

On Friday, January 11, 1984, our fearless "Dean Rod" confronted these interlopers. Faster than an interlocutory injunction "the man of steel" repelled the undesirables. He shrewdly finessed to call the police in order to arrest Pearl. He was disappointed when they apologized and fled.

The editorial staff considered the possibility of white slavery or perhaps a black market baby ring. Tune in for an update on this situation, soon to come out in paperback as "Murder on the Quid Express".

P.S. Seriously, folks. If you see a middle-aged couple at the pay phone in the basement for hours on end asking the operator full names and addresses of various people, call the Dean, or, failing that, call security. These two individuals are pretty weird and are quite hostile.

Seminar Series

Professor Kaufman will be speaking on "Trial by Neighbourism: Establishing Group Homes in Residential Neighbourhoods" on Thursday, 24 January at 4:00 p.m. in the Common Room. Professor Kaufman will focus on the establishment of homes for groups of mentally retarded or mentally ill persons in middle

income family neighbourhoods. The legal and political impediments to opening group homes in such neighbourhoods will be examined. In addition, we will explore whether the central role presently afforded to the neighbours in such disputes is in the best interest of the community as a whole.

Censorwatch Presents EVERY GOOD BOY DESERVES FAVOUR

a play by Tom Stoppard, with music (live) by André Previn. Premier in Montreal, if not in Canada.

A play about madness and politics is not an unusual mixture, but a sure-fire source of good wry humour. A political prisoner, whose crime was that his friend's friend was a dissident, is

put in a Soviet mental hospital with a musical looney whose imaginary orchestra plays day and night, and accompanies conversations. Black humour abounds, in true Stoppard Fashion.

Jan. 22-26, 8:00 p.m.
Players' Theatre, 3480
McTavish
Admissions: \$3.50

